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EXAMINER

LE, LINH GIANG

ART UNIT

PAPER NUMBER

3686

NOTIFICATION DATE

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ELECTRONIC

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* ARTHUR R. HALBRITTER, FRANK J. RIOLO, JAMES R.
9 LAVOIE, JOHN A. SANTINI, JR., and ROBERT C. ANGELL
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12 Appeal 2009-007687
13 Application 09/689,842
14 Technology Center 3600
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17 Decided: February 24, 2010
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21 *Before* MURRIEL E. CRAWFORD, ANTON W. FETTING, and BIBHU R.
22 MOHANTY, *Administrative Patent Judges*.

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24 CRAWFORD, *Administrative Patent Judge*.
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26
27 DECISION ON APPEAL

STATEMENT OF THE CASE

Appellants appeal under 35 U.S.C. § 134 (2002) from a final rejection of claims 1-16, 30-45, 54-57, and 71-78. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellants invented systems and methods for locating or communicating with a patron, and more particularly, for locating or communicating with a patron at a hospitality facility (Spec. 1:15-17).

Claim 1 under appeal is further illustrative of the claimed invention as follows:

1. A method for locating a patron at a hospitality facility including a server and a plurality of client terminals, the method comprising:

receiving, from one of the plurality of client terminals, a patron identifier identifying a particular patron and a location identifier identifying a location in the hospitality facility;

storing, by the server, the location identifier in an account corresponding to the particular patron identified by the patron identifier;

receiving, from another of the plurality of client terminals, a request for the location of the particular patron;

retrieving, by the server, from the account corresponding to the particular patron, the location identifier for the particular patron; and

sending a message based on the location identifier for the particular patron.

The prior art relied upon by the Examiner in rejecting the claims on appeal is:

Lans	US 5,506,587	Apr. 9, 1996
Chuang	US 5,987,421	Nov. 16, 1999

The Examiner rejected claims 1-16, 30-45, 54-57, and 71-78 under 35 U.S.C. § 103(a) as being unpatentable over Lans in view of Chuang.

We REVERSE.

ISSUE

Did the Examiner err in asserting that a combination of Lans and Chuang renders obvious receiving a request for the location of the particular patron, as recited in independent claims 1, 30, 36, 54, and 71?

FINDINGS OF FACT

Specification

Appellants invented systems and methods for locating or communicating with a patron, and more particularly, for locating or communicating with a patron at a hospitality facility (Spec. 1:15-17).

Lans

Lans discloses that an object for aviation purposes is to create a better possibility of distributing aircraft, in order to increase the airspace capacity, by avoiding the necessity of the beacon infrastructure through a distributed localization, each aircraft having its own means enabling it to follow any predetermined corridor or route, which does not have to be materialized by common landbased hardware. Particularly where beacon systems have not yet been installed, great savings are possible in this respect. Further, when routes may be defined which do not depend on a beacon system, the number

1 of routes may be increased practically at will, and it is possible to avoid
2 present congestion at least outside the neighborhood of airports (col. 3, ll.
3 49-61).

4 A movable station shown in Figure 1 comprises a unit 1 which keeps
5 trace of traffic, a presentation computer 2 and a monitor 3 on which a pilot
6 may survey traffic and observe it visually (col. 8, ll. 27-30).

7 Information sent out at each transmitting event includes the identity
8 code of the station, the position in longitude and latitude, speed, flight
9 direction, and altitude (col. 8, ll. 49-60).

10 The RAM memory 11 stores a catalogue of all received signals from
11 other stations, so that identities and positions are stocked and updated (col.
12 9, ll. 16-18).

13 Presentation computer 2 fetches its data from the catalog in the
14 memory of the communication processor and manipulates the information,
15 in part for the needs of the monitor (col. 10, ll. 8-10).

17 PRINCIPLES OF LAW

18 *Obviousness*

19 To support the conclusion that the claimed combination is directed to
20 obvious subject matter, either the references must expressly or impliedly
21 suggest the claimed combination or the examiner must present a convincing
22 line of reasoning as to why the artisan would have found the claimed
23 invention to have been obvious in light of the teachings of the references. *In*
24 *re Oetiker*, 977 F.2d 1443, 1447 (Fed. Cir. 1992).

During examination, the examiner bears the initial burden of establishing a prima facie case of obviousness. *Id.* at 1445.

ANALYSIS

We are persuaded of error on the part of the Examiner by Appellants' argument that a combination of Lans and Chuang renders obvious receiving a request for the location of the particular patron, as recited in independent claims 1, 30, 36, 54, and 71 (App. Br. 6-10; Reply Br. 2-4). The Examiner admits that Lans does not disclose "receiving, from another of the plurality of client terminals, a request for the location of the particular patron" (Ex. Ans. 4). The Examiner then asserts that Chuang discloses this feature and that "[i]t would have been obvious to add these features to the Lans teaching with the motivation of allowing park visitors to search for the location, distance and direction of other group members within a hospitality facility" (Ex. Ans. 4-5). However, we find the Examiner's proffered rationale for combining unconvincing, because Lans discloses that it is already aware of the information concerning the aircraft within its vicinity. *See In re Oetiker*, 977 F.2d at 1447. Specifically, Lans discloses passively receiving information transmitted from other aircraft, such as identity code of the station, the position in longitude and latitude, speed, flight direction, and altitude, and placing them on monitor 3 via RAM memory 11 (col. 8, ll. 27-30, 49-60; col. 9, ll. 16-18; col. 10, ll. 8-10). Since the pilot in Lans already has the location information for other aircraft, there is no need to send or receive a request for the location of another aircraft/patron, as suggested by the Examiner. Accordingly, since the Examiner has not provided a

1 convincing rationale for combining Lans and Chuang, the Examiner has not
2 met the initial burden of establishing a prima facie case of obviousness, and
3 thus we will not sustain this rejection. *See In re Oetiker*, 977 F.2d at 1445.

4
5 **CONCLUSION OF LAW**

6 On the record before us, Appellant has shown that the Examiner erred
7 in rejecting claims 1-16, 30-45, 54-57, and 71-78.

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9 **DECISION**

10 The decision of the Examiner to reject claims 1-16, 30-45, 54-57, and
11 71-78 is reversed.

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13 **REVERSED**

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